IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9663 OF 2004

Smt. Vijaya Vedprakash Patil .. Petitioner.

Vs.

Smt. Manema Balayya Dussa & Ors. .. Respondents.

...

Ms. Geeta Muley instructed by Mr. S.G. Deshmukh for the Petitioner.

Mr. Shrishail Sakhare for Respondent Nos.6 and 7.

Mrs. M.P. Thakur, Assistant Government Pleader for Respondent Nos.8 to 10.

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CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

24th April, 2006.

P.C. :

Having heard the learned counsel appearing for the parties and having gone through the contents of the Petition, we would not like to entertain this Petition, particularly in view of the fact that the Petition is in respect of the possession of the suit premises which has already been handed over by Respondent Nos.6 and 7 to the Petitioner. At this stage, it may be noted that the said

Respondents have filed an undertaking in the Civil Application filed by the Petitioner, wherein they have stated that possession of the suit premises has been handed over to the Petitioner. Considering the allegations made in the Petition with regard to the handing over possession of the suit premises, we have in fact directed the learned District and Sessions Judge, Solapur to submit a report whether possession of the suit premises has been handed over to the Petitioner. The report submitted by the learned District and Sessions Judge speaks about the conduct of the Petitioner. In view of the said report, it may not be necessary to entertain the Petition and deal with the allegations made in the Petition. The Petition is dismissed.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)